

REMARKS

Applicant has amended the claims to more clearly point out that the embodiments of the present invention operate within the realm of cellular wireless transmission of images. In addition, certain amendments describe that the images to be transmitted need not be contemporaneously created as in a "live" video conference call as is described in Falcon.

Falcon describes a system that is entirely rooted in a computer domain that utilizes wired transmission means only (see c9/5-9, c2/8-10, c3/44-47) such as POTS, ISDN, or T1. In addition, the Falcon invention appears limited to real-time video-conferencing or video phone applications over hard-wired telephone networks (see, c9/5-9).

The embodiments of the present invention cover more than real-time video applications. For instance, certain embodiments address manipulating existing image files prior to transmitting them out of the mobile phone over a cellular wireless network. Thus, the embodiments described in the present application are not necessarily limited to real-time videophone applications as is the case in Falcon.

Thus, Falcon does not teach or suggest each and every step or element that is claimed by the present invention. Specifically, Falcon does not teach or suggest the claimed element/step pertaining to transmission of an encoded image file over a wireless network from a mobile phone. This element/step now appears in each amended independent claim. Falcon's reference to a 'handheld' device is more along the line of a personal digital assistant (PDA) rather than a mobile phone given the context of the overall Falcon reference.

Nor does Falcon teach or suggest using image files other than those developed in the operation of a real-time video application as is described in new claims 19 – 21.

Applicant respectfully requests reconsideration and withdrawal of the 35 USC 102 (e) and 103(a) rejections based on Falcon.

Respectfully submitted,

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